

CLAIM ISSUES IN STRUCTURAL FAILURE

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DEDICATION

Bismillahirrahmanirahhim

*Thank you to my mom and dad
for everlasting support to their beloved daughter*

*And all of my colleagues
May we all secceed and blesseded by Allah s.w.t*

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ABSTRACT

The lack of knowledge and standard guidelines for resolving of structural failure cases has contributed to several problems in construction industry especially in making claims. This phenomenon often leads to many difficulties for the involved parties in the incidents of structural failure. This study attempted to explore the available law and contract provision that can be referred in managing structural failure cases. The study also tries to determine the common parties that claim to be responsible for this failure cases. Methodology adopted for this study involved interviews with professional and questionnaire survey. Findings of the study indicate that the most common laws referred for failure cases and claims are contract law and tort. Common offences inflicted normally related to breach of contract and negligence. The study also identified the common contract provisions that are being violated in failure cases as well the responsible parties that often being blamed for structural failure cases. Eventually, this study has made several proposals for the industry to improve the process of managing structural failure cases.

ABSTRAK

Kekurangan pengetahuan dan panduan menyelesaikan kes-kes kegagalan struktur telah menyumbang kepada beberapa masalah dalam industri pembinaan terutamanya dalam membuat tuntutan. Fenomena ini biasanya akan mengakibatkan masalah kepada pihak-pihak yang terlibat dalam isu kegagalan struktur ini. Kajian ini cuba meneroka undang-undang dan peruntukan didalam kontrak yang boleh dirujuk dalam mengususkan kes-kes kegagalan struktur. Kajian ini juga menentukan pihak-pihak yang biasanya bertanggungjawab didalam kes-kes kegagalan struktur ini. Kaedah yang digunakan didalam kajian ini ialah temuduga dengan profesional dan kajian soal selidik. Keputusan menunjukkan undang-undang yang biasa digunakan didalam kes-kes kegagalan dan tuntutan ialah undang-undang kontrak dan tort. Biasanya, kesalahan-kesalahan yang berlaku berkaitan dengan kemungkiran kontrak dan kecuaiian. Kajian ini juga mengenal pasti peruntukan-peruntukan kontrak yang biasa dilanggar didalam kes-kes kegagalan struktur dan pihak-pihak yang bertanggungjawab terhadap kes kegagalan ini. Akhirnya, kajian ini telah menyediakan beberapa cadangan kepada industri untuk meningkatkan mutu dalam proses menguruskan kes-kes kegagalan struktur.